IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6478 OF 2004

Mr.Shankar Nago Parit. ..Petitioner

Vs.

Zillah Parishad, Kolhapur. ..Respondent

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Shri M.S.Topkar for the petitioner.

Shri mandar Goswami for the respondent.

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CORAM : R.M.S.KHANDEPARKAR, J

DATED : 7th OCTOBER, 2004.

P.C.

1. Heard the learned advocate for the petitioner.

None present for the respondent, though served.

2. The only grievance of the petitioner is that since nearly five years have elapsed from the date of grant of interim relief in the matter before the Labour Court, the petitioner had requested the Labour Court to dispose of the main complaint on merits along with the application for interim relief. However, the same has been rejected consequent to the objection raised by the respondent for such procedure being adopted in the matter. The Industrial Court in

revision against the said order has dismissed the revision application. The contention of the learned advocate for the petitioner is that considering the lapse of five years from the date of grant of interim relief and the petitioner having continued in the service on the basis of the ex parte relief, no purpose would be served by disposing of the interim relief application, while keeping the main matter pending for final disposal after the disposal of the application for interim relief and both the matters can safely be disposed of together.

3. Perusal of the records discloses that the Labour Court has clearly observed that mere pendency of the application for interim relief for long time would not be the justification for taking up such application for final disposal along with the main complaint itself. The Industrial Court has rejected the revision application against the said order observing that it did not find any arbitrariness on the part of the Labour Court in exercise of its discretion while rejecting the application filed by the petitioner.

4. Undisputedly, the impugned orders do not disclose any illegality as such. The only contention of the petitioner is that it will be more convenient

to dispose of the application for interim relief along with the main matter, and from that view of the matter this Court should interfere in the impugned orders in exercise of writ jurisdiction under Article 227 of the Constitution of India. Once it is apparent that the impugned orders do not disclose any illegality and the same also do not disclose any arbitrariness in the exercise of discretionary power by the Courts below, there cannot be any interference in such orders in exercise of power under Article 227 of the Constitution of India. That apart, mere convenience of the petitioner to get the main complaint disposed of along with the application for interim relief after having enjoyed the ex parte interim relief for a period of five years, cannot be a justification to interfere in the impugned orders. For the purpose of disposal of the interim relief application, it is not necessary for the Courts below to record the evidence and the Court is empowered to dispose of the matter based on the materials before it along with the application and reply thereto. Whereas, as regards the main complaint, it is absolutely necessary for the Courts below to record the evidence to be produced by both the parties to the proceedings. Certainly, such procedure is bound to take considerable time. That cannot detain the Labour Court from disposing of the application for interim relief. So also merely

because the ex parte interim relief is continued for a period of five years in favour of the petitioner, that by itself would not be the justification to contend that the application for interim relief should be disposed of along with the main complaint.

5. For the reasons stated above, there is no case made out for interference in the impugned orders, hence the petition fails and is dismissed accordingly with no order as to costs.